IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11789 of 2004

Between:

R. Narasimha Rao, S/o. Sriramulu,
Kummari Veedhi Nawabpet, Nellore-2, Nellore District.

..... PETITIONER

AND

1 Deputy Transport Commissioner & Regional Transport Officer, Nellore, Nellore District.
2 Motor Vehicles Inspector, Nellore, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the respondents in seizing and detaining the Petitioner's Light Motor Vehicle (School Van) bearing Registration No.TN21/Z.4690, pursuant to the Vehicle Check Report No. 2174230, dated 29-06-2004 of the 2nd respondent as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the said vehicle to the petitioner, forthwith,

Counsel for the Petitioner: MR.V.NARASIMHA REDDY, Advocate

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the admission stage made the following :

HONOURABLE SRI JUSTICE K.C.BHANU

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W.P.No.11789 of 2004

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ORAL ORDER:

The petitioner's vehicle (School Van) bearing No.TN.21/Z.4690 was seized by the 2nd respondent vide Vehicle Check Report No.2174230, dated 29.6.2004 for violation of certain provisions of Motor Vehicles Act, 1988, i.e. for non-production of certain documents. Whether the petitioner has violated the provisions of the Act or not has to be decided by an appropriate authority. However, it is not desirable to keep the vehicle idle exposing to sun and rain, which causes damage to the vehicle.

Therefore, a direction is given to the respondents to release the vehicle (School Van) bearing No.TN.21/Z.4690 to the petitioner on his depositing a sum of Rs.5,000/- (Rupees Five Thousand Only) with the following conditions:

1. *that the petitioner shall not alienate or transfer the vehicle or any part of it.*

2. *that the petitioner shall produce the vehicle as and when required by the authority concerned.*

With the above direction, the writ petition is disposed of at the stage of admission. In the circumstances of the case, there shall be no order as to costs.

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(K.C.BHANU,J.)

9th July, 2004

bcj

To

1 Deputy Transport Commissioner & Regional Transport Officer, Nellore, Nellore District.
2 Motor Vehicles Inspector, Nellore, Nellore District.

3. Two C.Cs to the Government Pleader for Transport, High Court Buildings, Hyderabad (OUT)

4.Two C.D. copies

Note: Furnish copy by Monday

B/o

bcj